

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

CANDICE L. GULLEY, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	CIVIL CASE NO. 2:21-cv-524-ECM
)	[WO]
HANSEN & ADKINS AUTO)	
TRANSPORT, INC., <i>et al.</i> ,)	
)	
Defendants.)	

KIMBERLY HARRIS, as Personal)	
Representative and Mother to M.B.,)	
a deceased minor,)	
)	
Plaintiff,)	
v.)	CIVIL CASE NO. 2:21-cv-602-ECM
)	
ASMAT INVESTMENT, LLC, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

Now pending before the Court is Plaintiff Kimberly Harris' motion to remand to state court. (Doc. 122). On August 6, 2021, the Plaintiff sued various defendants for negligence and wantonness under Alabama law in the Circuit Court of Butler County, Alabama, Case Number 10-CV-21900055.00. On September 9, 2021, Defendant Hansen & Adkins Auto Transport, Inc. removed the case to this Court, asserting diversity jurisdiction. On April 28, 2022, the Plaintiff, an Alabama citizen, filed a Second Amended Complaint in which she brings state law claims against a new defendant, James B.

Woodfork, also an Alabama citizen. Thus, complete diversity of citizenship between the Plaintiff and the Defendants is now lacking. *See* 28 U.S.C. § 1332(a)(1).

Accordingly, upon consideration of the motion, and for good cause, it is

ORDERED as follows:

1. The Plaintiff's motion to remand (doc. 122) is GRANTED;
2. Defendant Hansen & Adkins Auto Transport, Inc.'s motion to dismiss the Plaintiff's First Amended Complaint (doc. 88) is DENIED as moot in light of the filing of the Second Amended Complaint (doc. 125);
3. This case is REMANDED to the Circuit Court of Butler County, Alabama;
4. The Clerk of the Court is DIRECTED to take all steps necessary to effectuate remand to the Circuit Court of Butler County, Alabama;
5. Because this case, *Harris v. Asmat Investment, LLC et al.*, 2:21-cv-602-ECM, was and remains consolidated with *Gulley et al. v. Hansen & Adkins Auto Transport, Inc. et al.*, 2:21-cv-524-ECM, the Clerk of the Court is DIRECTED to provide the Circuit Court of Butler County courtesy copies of the non-public docket sheets for both 2:21-cv-524-ECM and 2:21-cv-602-ECM;
6. Counsel is DIRECTED to provide the Circuit Court of Butler County with the record for both 2:21-cv-524-ECM and 2:21-cv-602-ECM.

DONE this 2nd day of May, 2022.

/s/ Emily C. Marks
EMILY C. MARKS
CHIEF UNITED STATES DISTRICT JUDGE